

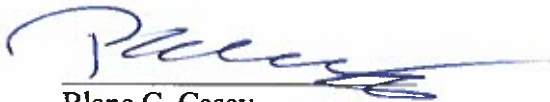
TOWN OF CHINA

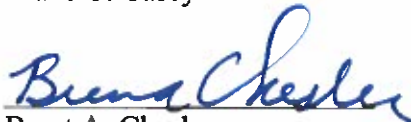
PERSONNEL POLICY

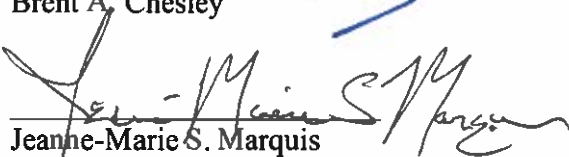
Effective December 5, 2022

Given under our hands this 5th day of December, AD 2022


Wayne D. Chadwick, Chair


Blane C. Casey


Brent A. Chesley


Jeanne-Marie S. Marquis


Janet M. Preston

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SECTION 1 - INTRODUCTION

A. General Information

This Personnel Policy has been developed to establish and set forth a uniform and equitable system of personnel administration governing employment with the Town of China.

This Policy is not meant to serve as a replacement for federal or state laws, but rather, in most cases they are designed to clarify, explain and fill-in missing pieces on such regulations. And this Policy is also a means by which the Town, acting in its capacity as an employer, expresses its doctrines pertaining to town officials and employees in areas where no federal or state guidelines exist.

The primary purpose of this Policy is to establish policies and procedures to ensure, in so much as possible, uniform application and fair administration of rules regarding municipal operations and the employment of persons by the Town of China, as well as to inform current and potential employees of the working environment which can be expected.

B. Goal of Personnel Management

The goal of personnel management in the Town of China is to:

1. Provide effectiveness, economy, and productivity in delivering services to the Citizens of China;
2. Encourage a commitment to professional excellence in serving the public and continue the professional development of employee skills;
3. Provide reasonable assurances that the duties and responsibilities of employees and the Town alike are respected;
4. Afford fair, respectful, and lawful treatment to all individuals desiring to enter Town service and to provide opportunity for advancement in Town service on the basis of skill, effort, and performance, as determined through a competitive hiring process;
5. Provide that employees receive nondiscriminatory treatment in all personnel processes; and
6. Expect that employees shall use their best efforts to fulfill their obligations to the Town and its citizens.

This Policy is also intended to serve as a comprehensive set of procedures by which Town officials and employees may strive to deliver the government services that are desired by the taxpayers (and visitors) of China in the most efficient, capable, respectful, and professional manner possible.

C. Administration

This Policy is established by the Select Board pursuant to the authority granted through the enabling acts and the laws of the State of Maine. The Human Resources Director carries out the policies and the Town Manager is the administrator.

The Human Resources Director shall be responsible for the day-to-day administration of this Policy with regard to their respective departments, subject to oversight by the Town Manager where applicable. And to a lesser extent, supervisors are also designated with some responsibilities for the administration of this Policy for the employees that they supervise.

It shall be expressly understood that the Select Board, Town Manager, Human Resources Director, and other town officials shall utilize appropriate chains of command when dealing with employees.

The Town, acting in its capacity as an employer, shall have unlimited freedom of action, to the fullest extent permitted by law, to discharge its responsibilities for the essential and successful operation of the Town and all of its departments, including, but not limited to exclusive rights with regards to:

1. The scheduling of operations;
2. The methods and materials used in the delivery of municipal services
3. The extent to which the personnel, facilities and other resources at its disposal shall be used; and
4. The right to hire, promote, transfer, assign, suspend, demote, discharge, add positions, eliminate positions, lay off employees, impose discipline, reclassify personnel or take any other personnel action it may deem appropriate to carry out the work of the Town.

The Town specifically reserves the right to repeal, modify or deviate from this Policy as necessary. This Policy is intended as informational guidance and is not to be interpreted as promises of specific treatment or as creating contractual rights between the Town and any employee. In addition, conflicting changes in local, state, or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy.

D. Severability Clause

If any provision of this Policy is determined to be invalid by a court of competent jurisdiction or if a section is superseded by federal or state law, such invalidity shall not affect any other provision, or the application of the remaining procedures contained herein.

E. Employee Acknowledgment

All employees shall be provided with a copy of this Policy. Employees shall be required to acknowledge receipt of this Policy and to sign a statement that they have read and understood the provisions herein, with the understanding that they may ask for explanation or further clarification whenever necessary.

SECTION 2 – APPLICATION AND HIRING

A. Job Vacancy

Whenever there is an employment vacancy for a position below the level of Department Head, the Department Head shall notify the Town Manager of the date on which the vacancy exists, and any other pertinent facts related to the position. The Town Manager has exclusive authority with regards to filling the position, including, but not limited to: leaving the position unfilled, changing the job description and/or pay classification, participating in interviews, authorizing a Department Head to promote from within, hiring someone on a temporary basis, or following the standard procedures set forth herein.

Whenever there is an employment vacancy at the Department Head level, the Town Manager shall notify the Select Board of the date on which the vacancy exists and shall make recommendations regarding leaving the position unfilled, changing the job description and/or pay, promoting from within, establishing an interview panel, having an interim Department Head, etc.

It shall be the policy of the Town to advertise all permanent positions both internally and externally.

The Town Manager shall be the exclusive hiring authority for all employees of the Town, except in the hiring of Department Heads, which shall require the approval of the Select Board.

Internal candidates who meet the minimum qualifications as outlined in the job description will be required to submit a letter of interest and will be interviewed by the hiring supervisor and/or the Town Manager.

B. Application

All applicants for employment shall complete a Town employment application form and may also submit a letter of interest and any additional information on their qualifications. The Town of China relies on the accuracy of information provided by applicants. Any misrepresentations, falsehoods, or significant omissions of information may exclude the applicant from consideration, or, if the person has been hired, may result in termination. It shall be the policy of the Town to acknowledge receipt of all solicited applications for employment.

C. Non-Discrimination and the Americans With Disabilities Act

Non-Discrimination

The Town of China is an Equal Opportunity Employer. This statement of policy means the Town is committed to providing equal employment opportunity for the participation of all qualified persons in the job classifications without regard to race, color, ancestry, national origin, sex, sexual orientation (which includes gender identity and expression), marital status, physical or mental disability, religion, age, veteran status and any other protected class under federal, state and/or local law.

The Town's policy extends to all employment decisions and personnel actions including recruitment, hiring, training, promotion, transfer, compensation, benefits, and all other terms and conditions of

employment. All employment decisions are made on the basis of job qualifications and the ability to perform the essential functions of the job in question.

The Human Resources Director serves as the Town's Equal Employment Opportunity Administrator and is responsible for establishing, monitoring, and evaluating employment opportunities for all employees and job applicants. The Human Resources Director is available for consultation regarding any question or problem related to the Town's Equal Employment Opportunity Policy.

Compliance with our Equal Opportunity Employer Policy is the responsibility of all Town employees. Every employee is expected to make a personal commitment to equal employment opportunity.

Americans with Disabilities Act

In accordance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Maine Human Rights Act, Title 5 M.R.S.A. §4551, et seq., the Town will not discriminate against qualified individuals with a disability because of the disability in regard to job application procedures, hiring, advancement or discharge, compensation, job training and other terms, conditions and privileges of employment. A qualified individual with a disability, by reason of that disability, may not be excluded from participation in or be denied the benefits of the services, programs or activities of the Town, or be subjected to discrimination relating to job application procedures, hiring, advancement or discharge, compensation, job training and other terms, conditions and privileges of employment.

It is the policy of the Town to provide reasonable accommodations for qualified individuals with disabilities. Reasonable accommodation shall be provided in a timely, cost-effective manner. The essential functions of a job need not be modified to accommodate an individual with a disability.

Any individual with a disability who believes he/she has been subjected to discrimination on the basis of disability may discuss the complaint with a supervisor and/or may file a grievance with the Human Resources Director. It is unlawful for the Town, its employees or contractors to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. For the purposes of these Personnel Rules, the Human Resources Director shall be the ADA Compliance Officer.

If you have questions or concerns about discrimination in the workplace, you are encouraged to raise these issues with the Human Resources Director, without fear of reprisal. Anyone engaging in unlawful discrimination will be subject to disciplinary action.

D. Employee Availability

The Town expects all employees who are on-call to be able to respond in a safe and prompt manner to emergencies and requires that they live within a reasonable response time as determined by management. Response time is 30 minutes or less, unless otherwise authorized.

E. Nepotism

The employment of relatives in the same area of an organization may present a conflict of interest.

In addition to claims of partiality at work, conflicts from outside the work environment can be carried into the town.

To that end,

1. relatives of those currently employed by the town may be hired only if they will not supervise or be supervised by a relative.
2. current employees may not be promoted, advanced, or transferred into a position where they will supervise or be supervised by a relative.

For the purposes of this policy, a relative is defined as a parent, child, spouse, significant other, sibling, sibling-in-law, parent-in-law, grandparent, aunt, uncle, niece, nephew, and cohabiter. "Related" may also include a person with whom there has been or is a significant personal relationship.

In the event a supervisor/manager develops a personal relationship with a subordinate in the course of employment at the Town, those employees should report it to the Human Resources Director, and every effort will be made to change the supervision for purposes of hiring, firing, promotions, and discipline.

F. Employment References

Pre-employment reference checks will be conducted to ensure that those we hire are well qualified and likely to succeed at the Town.

The Town will not provide references, other than to confirm dates of employment, for current or former employees without written permission from the individual.

G. Background Checks, Fit for Duty Evaluations and Other Testing

Once a conditional offer has been accepted, the candidate will be required to authorize the Town to perform a background check and a driver's license check. Those applying for a position requiring a CDL will also undergo a drug test. Employees may additionally be required to undergo other employment testing.

H. Oath of Office

The following employees shall be required to take an Oath of Office prior to assuming the duties of the position: Town Manager, Police Officers, Town Clerk, Town Treasurer, Deputy Town Clerk, Deputy Town Treasurer, Code Enforcement Officer, Deputy Code Enforcement Officer, Licensed Plumbing Inspector, Town Assessor and Animal Control Officer.

I. Initial Compensation

The initial amount of compensation and level of benefits to be provided upon appointment shall be determined by the Town Manager.

J. Hire Date and Anniversary Date

Hire or anniversary date is the date on which you most recently started employment with the Town regardless of position within the organization. This date remains constant unless you leave the Town's employ and are then re-hired. This date is used to compute benefit eligibility.

SECTION 3 - EMPLOYEE CLASSIFICATION, STATUS, AND EVALUATION

A. Employee Classification

It is the intent of the Town to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time.

Fair Labor Standards Act Job Classifications

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws:

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are *not* exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally executives, managers, professional, administrative or outside sales staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

B. Town Job Classifications

The Town of China has established the following categories for both nonexempt and exempt employees:

Probationary Period: The first 6 months of employment are a probationary period with an evaluation after 3 months. The probationary period gives new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Either the employee or the Town may end the employment relationship at will at any time during the probationary period.

Regular full-time: Employees who have completed the six (6) month initial probationary period and are not in a temporary status and are regularly scheduled to work 35* hours or more each week on a regular, continuous basis, whose employment is reasonably expected to last more than one (1) year. *Employees hired prior to January 19, 2022 shall be considered Regular full-time employees if scheduled to work 32 hours or more.

Regular part-time: Employees who are not in a temporary status and are regularly scheduled at least 24 hours but less than 35* hours each week on a regular, continuous basis, whose employment is reasonably expected to last more than one (1) year. All applicable benefits shall be pro-rated according to the hours advertised for the position and not the actual hours worked; said benefits to include vacation days, sick days, earned paid leave, holidays, and a single subscription of health/dental insurance benefits. *Employees hired prior to January 19, 2022 shall be considered Regular part-time employees if scheduled to work at least 20 hours but less than 35 hours.

Irregular part-time: Employees scheduled to work less than 24* hours per week on a continuous basis and whose employment is reasonably expected to last more than one year. Benefits are not available to these employees, other than those mandated by law. *Employees hired prior to January 19, 2022 shall be considered Irregular part-time employees if scheduled to work less than 20 hours.

On-call: Employees who work on an intermittent and as-needed basis. Employees who are on call do not have a regular schedule but work as available and as needed. Benefits are not available to these employees, other than those mandated by law.

Temporary: Employees scheduled for a full or part-time work week for a set (but not permanent) period of time, typically with no benefits other than those mandated by law.

Volunteer: Any person, including elected and appointed Town officials who provide services to the Town for no compensation or a marginal stipend or other occasional gratuity.

C. Change in Position (Advancement or Demotion)

Selection of employees for advancement is based on the following factors to determine qualification: skill, ability, training, education, attitude, efficiency, job requirements and availability to work as these factors apply to the job classification.

On occasion, there may be circumstances when an employee is demoted (generally defined as re-assignment to a position at lower pay). This change may be voluntary, may result from an inability to perform, or may be disciplinary.

The Town will confirm the change in writing to the employee within fourteen (14) calendar days.

If you are promoted or transferred to another position, you will serve a probationary period of six months. If you fail to successfully complete the evaluation period and/or to meet the requirements of the new position, you may, at the discretion of management, be reassigned to the classification from which you were promoted, transferred or terminated. The Town does not guarantee reassignment back to your original classification, nor does the Town guarantee that any position in an alternate classification can be provided which leaves termination as the last alternative.

D. Layoffs and Reductions

The Town reserves the right to layoff personnel at any time for budgetary reasons, department

re-organizations, and job description changes or for any other lawful reason.

Employees shall be given a thirty (30) calendar day written notice prior to layoff in so much as possible. However, in the event the Town decides to impose an immediate layoff, employees so affected shall be given four (4) weeks of wages in addition to compensation for whatever leave time may be on the books as otherwise set forth in this Policy.

Laid-off employees shall be entitled to health and dental insurance benefits as set forth herein through the last day of the next full month following the effective date of layoff. All other benefits shall cease as of the effective date of layoff except as otherwise prescribed by COBRA and other applicable government regulations.

In the event a laid off employee is reinstated within one (1) year of layoff, he or she shall have all previous creditable service restored and shall be immediately eligible to accumulate annual leave as otherwise set forth herein.

E. Performance Evaluation

The Town reserves the right to conduct employee job performance evaluations on an annual basis or more frequently, as may be determined solely by the Town. All such records shall become a permanent part of an employee's personnel file. It shall be expressly understood that employees may be notified by the Town of work performance expectations at any time and employees may be required to demonstrate improvement in job performance or workplace attitudes/behaviors.

The purpose of the evaluation is to: a) indicate how past performance has been and what improvements should be made; b) call attention to any training, education, or special needs to improve work habits; c) set goals; and d) gain your recommendations in the performance of your duties.

In the event that your performance evaluation is determined to be unsatisfactory, you may be placed on a performance improvement plan, after which time your job performance will be re-evaluated. If, upon re-evaluation, your job performance remains unsatisfactory, you may be terminated, demoted or placed on probation.

F. End of Employment

Termination of employment may occur under a number of circumstances, some of which are:

1. Voluntary resignation initiated by the employee. Prior to departure, we will conduct an exit interview, including a checklist to ensure you receive all appropriate information and that all property is accounted for. This checklist becomes part of your employee file. We ask that you provide at least fourteen (14) calendar days written notice. Vacation or other paid leave is not to be used as a period of notice.
2. Retirement initiated by the employee, who meets eligibility for the Town sponsored

retirement plan and/or Social Security criteria. Prior to departure, an exit interview will be conducted and will include a checklist to ensure you receive all appropriate information and that all property is accounted for. This checklist becomes part of your employee file. We ask that you provide written notice of at least thirty (30) calendar days. Vacation or other paid leave is not to be used as a period of notice.

3. Involuntary Termination initiated by the Town, often in response to a number of reasons including, but not limited to, negligence of job responsibilities, substandard performance, insubordination, misconduct, inappropriate conduct, or other actions violating Town policy. Involuntary termination will only be administered by the Town Manager.

SECTION 4 - STANDARDS OF CONDUCT

A. Employee Conduct

Employees of the Town shall maintain the highest standards of conduct, cooperation, efficiency and economy in the performance of their duties. Town employees will at all times be conscious of the fact that they are the Town's representatives, and their job exists solely for the benefit of the citizens of China and members of the general public. Employees shall extend services in a courteous, respectful, efficient, and pleasant manner. Employees shall exercise restraint in dealing with displeased citizens at all times. Employees who fail to meet these standards of conduct may be subject to disciplinary action, including possible discharge.

Every employee, as a condition of employment, shall be expected to cooperate to the fullest extent with other employees, including those of other departments, in the providing of services to the public and other Town officials.

B. General Standards

The work rules and standards of conduct are important to the Town of China, and you are expected to follow them in performing your job and the Town's business. Deviation from them is subject to corrective action.

While not a complete list, the examples below illustrate the types of workplace infractions or misconduct that may result in disciplinary action, up to and including termination. "Workplace" means whenever you conduct Town business, regardless of location.

1. Theft or inappropriate removal or possession of property
2. Damaging municipal grounds, building, or equipment
3. Working under the influence of alcohol or illegal substances
4. Possession, distribution, sale, transfer or use of alcohol or illegal substances in the workplace
5. Violation of the Town's Tobacco Free Policy

6. Fighting or threatening violence in the workplace
7. Boisterous or disruptive activity in the workplace
8. Negligence or improper conduct leading to damage of Town or citizen property
9. Insubordination or other disrespectful conduct
10. Violation of health and safety rules
11. Sexual or other unlawful or unwanted harassment
12. Violation of employee leave policies
13. Improper or unauthorized use of Town property, including tampering with records, information, or equipment
14. Unauthorized disclosure of confidential information
15. Violation of personnel policies
16. Unsatisfactory performance or conduct
17. Behaving in a rude, bullying or confrontational manner toward fellow employees and/or to members of the public rather than behaving in a polite, patient and professional manner

C. Business Activities and Solicitation Policy

No employee shall engage in any business other than regular duties of the Town during working time, including such activities as selling to fellow employees, lending of money for profit, etc., with the exception of Town-approved activities, no solicitation of any kind is permitted on Town premises during working time.

Working time includes the working time of both the employee soliciting, and the employee to whom such activity is directed. Working time does not include break time. While on Town premises during non-working time, such as breaks and mealtimes, employees may engage in personal, business or social activities which are not disruptive to those who are working.

Definition of Solicitation: (pursuant to this policy) to solicit orders for trade, as for business; to make a request, application, or entreaty to (a person for business, support, etc.)

D. Receipt of Gifts Policy and Conflict of Interest

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from any person who has or is seeking to obtain business with the Town or from any person within or outside Town employment whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, e.g., pens, note pads, calendars, is permitted.

In addition, supervisors must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from any subordinate.

A Town employee is prohibited from engaging in any conduct which could reflect unfavorably upon Town service. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person or losing impartiality in conducting Town business. No employee authorized to make purchases or a contract for services shall have any direct or indirect financial interest or personal gain in any purchase or contract. The employee shall disclose any potential conflict of interest to his/her Department Head or the Town Manager.

The Department Head or Town Manager may bring any violation of this policy to the attention of the employee and impose disciplinary action as deemed appropriate pursuant to the Town of China Personnel Policy Disciplinary Procedures.

E. Outside Employment Policy

Town employees may engage in outside employment, subject to the conditions stated herein. Employees must inform their Department Head of their outside employment. No employee may engage in additional employment which in any way interferes with the proper and effective performance of the duties of his/her position, results in a conflict of interest or subjects the Town to public criticism or embarrassment. If the Town Manager determines that such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, the employee involved shall take prompt steps to resolve the situation.

Any full or part-time employee who engage in employment outside of his regular working hours shall be subject to call to perform his/her regular Town duties first.

F. Political Activity

During work hours (or while purporting to be engaged in the business of the Town), no Town employee shall actively take part in the solicitation of votes for a candidate for public office or participate in an election process whereby the intent is to interact with members of the general public for the purpose of affecting the outcome of a public election. This includes any signing of nomination papers and/or petitions while during work hours. No employee may distribute campaign buttons, bumper stickers or political literature during work hours with the municipality. This section is not to be construed as prohibiting employees from participating in political campaigns, rallies or other activities after work hours.

G. Confidentiality

No Town employee shall publicly disclose any unofficial, non-public information that has been obtained during the course of employment with the Town, without the prior approval of the Town Manager. No one below the rank of Department Head is authorized to issue press releases, public comments or conduct press conferences relating to Town business unless specifically authorized by the Town Manager.

H. Personnel Files

Personnel files shall be maintained in accordance with the provisions of 26 MRSA Section 631, and 30-A MRSA Section 2702. In addition, personnel files for employees shall be maintained as follows:

The following information will be collected and retained in each individual's personnel files:

Human Resources Office

1. Complete employment application
2. Employment reference checks
3. Job description
4. New Hire/Change Forms
5. Signed receipt for Personnel Policy
6. Signed receipt for all pertinent policies
7. Copy of registration, license, or certification, if required for position
8. Records for salary and payroll changes
9. Signed employee performance appraisal forms
10. Records of disciplinary actions
11. Evidence of training and continuing education
12. Copies of correspondence sent to or on behalf of the employee
13. Emergency contact information
14. Signed Compensatory Time Agreement (public works only)
15. Copies of medical information (separate file)

Separate File

1. Copy of benefit enrollment forms
2. W-4 Tax Forms
3. Deduction authorizations
4. Signed I-9 (Immigration Form) which may be filed electronically

Any employee may inspect their personnel file upon request during break times or after normal working hours. A single copy of materials shall be provided at no charge once a year. No other access to a personnel file shall be allowed without written authorization, except by the Town Manager or Department Head.

The Town shall keep all personnel file information confidential, except when responding to inquiries for reference by potential employers in which case the only information to be verbally disclosed shall be date of hire and date of separation. No other matters shall be released for inspection or discussed, except by the Town Manager (or Human Resources Director if specifically authorized) provided there is a letter of authorization and a release/waiver signed by the employee (or former employee).

Employees shall be notified when items of a disciplinary or adverse nature are included in their personnel file and they may insert written letters of rebuttal.

I. Non-Bullying

The Town of China will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

The Town defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

Examples:

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important. The Town considers the following types of behavior examples of bullying:

1. **Verbal and/or electronic bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
2. **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
3. **Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages
4. **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

1. Persistent singling out of one person
2. Shouting or raising voice at an individual in public or in private
3. Using verbal or obscene gestures.
4. Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting)
5. Personal insults and use of offensive nicknames
6. Public humiliation in any form
7. Constant criticism on matters unrelated or minimally related to the person's job performance or description
8. Ignoring or interrupting an individual at meetings
9. Public reprimands
10. Spreading rumors and gossip regarding individuals
11. Encouraging others to disregard the Town Manager or Department Head's instructions

Bullying is NOT:

1. Expressing differences of opinions;
2. Offering constructive feedback, guidance, or advice about work-related behavior; or

3. Reasonable action taken by an employer or supervisor relating to the management and direction of employees or place of employment (i.e. managing an employee's performance, taking reasonable disciplinary actions, assigning work).

Reporting Procedure

The Town is committed to preventing bullying prohibited by this policy through education and dissemination of information as well as employee accountability. Such harassment may be reported by any employee, regardless of whether that employee is the recipient of the bullying, a witness or otherwise becomes aware of bullying prohibited by this policy.

Complaints may be filed by contacting any of the following individuals:

1. Supervisor
2. Town Manager
3. Human Resources

J. Harassment and Unlawful Discrimination

You are entitled to work in an environment free of discriminatory intimidation, whether it is based on race, color, sex, marital status, age, religion, national or ethnic origin, physical or mental disability, veteran status, sexual orientation, gender identity, or any other protected class under federal and/or state law.

The Town of China is committed to ensuring this entitlement and achieving the dual goals of prompt notice of possible harassment and fair, impartial evaluation of any allegations.

Policy

Sexual harassment and other illegal harassment (collectively referred to as "Harassment") of employees is prohibited and will not be tolerated by the Town of China. When such conduct affects work-related decisions or creates an offensive work environment, it is a violation of Town policy and the Maine Human Rights Act and Title VII of the federal Civil Rights Act of 1964.

The Town of China is committed to preventing and eliminating harassment of employees through education and by encouraging employees to report any concerns or complaints about harassment. Prompt corrective measures will be taken to stop harassment whenever and wherever it occurs. Each employee is personally responsible for compliance with this policy.

Definitions

The U.S. Equal Employment Opportunity Commission and the Maine Human Rights Commission have defined harassment as deliberate or repeated unsolicited comments, gestures, or physical contact of an offensive or sexual nature that is unwelcome. Each employee must learn to recognize this form of discriminatory behavior and to distinguish it from purely social relationships that do not adversely affect the work environment. Behavior constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of harassment may be a series of incidents or a single occurrence and include the following:

1. Unwelcome sexual advances, gestures, comments, or contact;
2. Threats;
3. Offensive jokes;
4. Subjecting employees to ridicule, slurs, or derogatory actions;
5. Displaying offensive posters/pictures/publications;
6. Basing employment decisions or practices on submission to harassment;
7. Refusal to cooperate with employees in performing work assignments; or
8. Inequitable disciplinary actions and work assignments.

Harassment, such as the examples above, can take place between members of the same sex as well as members of the opposite sex.

Supervisor Responsibilities

Supervisors have additional responsibilities to ensure that the work environment is free from harassment. Every supervisory employee acts as an agent of the Town of China and has an affirmative responsibility to promptly take all steps necessary within the scope of his or her job to prevent discrimination and harassment from occurring in the workplace. Lack of intervention and corrective action by supervisors may be perceived by both perpetrators and victims as condoning harassing behavior. Corrective action is required whether or not the victim makes a formal complaint. In accordance with policy, supervisors should process any observed or reported harassing behavior confidentially and expeditiously. Reports of harassing behavior must be thoroughly investigated to establish facts associated with the situation.

Reporting Procedure

Any supervisor or Department Head receiving a complaint of harassment will immediately report it to HR.

It is your responsibility to speak with your supervisor or Department Head at once if you believe you are being subjected to sexual harassment. Any employee who believes they are being harassed by a Department Head, supervisor, co-worker, employee, customer, or vendor should promptly take the following actions:

Confront the harasser and ask him or her to stop. If you feel uncomfortable with confronting the harasser as outlined here, skip to Step 2 below.

1. Immediately contact your supervisor, Department Head, Human Resources Director, or the Town Manager.
2. Document your complaint. Keep a log detailing the incident(s), what was said or done, who might have witnessed it and the date. Keep any related letters or memos.
3. All complaints will be handled in a timely manner by your supervisor, Department Head, Human Resources Director or the Town Manager. Information concerning your complaint will be given on a need-to-know basis only. Management personnel needed for participation in the investigation, the alleged harasser and possible witnesses may be contacted and thereby learn of the complaint. Employees should not discuss the complaint or the resulting investigation except for discussions necessary to conduct the investigation and make a decision. The purpose of this provision is to encourage the filing of valid complaints by protecting the privacy of the complaining employee to the extent possible, as well as to protect the reputation of any employee who might wrongfully be charged with sexual harassment.
4. The Town will investigate all complaints promptly. If valid, the Town will determine remedies to be given and the sanctions to be imposed.

There will be no retaliation against any employee who files a complaint of discriminatory behavior or participates in any proceedings concerning harassment. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action, up to and including termination of employment.

Employees may file a complaint of sexual harassment with the Maine Human Rights Commission at 19 Union Street, Augusta, Maine 04333, (207) 624-6290 and the EEOC – 1-800-669-3362.

It is not required that any of the preceding procedures be utilized first or in any particular sequence, nor is it required that any procedure be exhausted before the other is used. There will be no retaliation against any employee who files a complaint of discriminatory behavior or participates in any proceedings concerning harassment.

K. Technology Use

Technology resources, computer information systems and networks are an integral part of business at the Town. The Town provides technology resources to employees to support them in accomplishing their work-related tasks. The following directives have been established in order to protect the Town's technology investment, safeguard the information contained within these systems, and reduce business and legal risk. Employees are expected to abide by all Federal, State and local laws (including Copyright Law), statutes and ordinances as well as Town policies and directives when using technology resources.

Technology Resources

Technology resources includes, but are not limited to, any desktop computer, laptop computer, tablet computer, desk phone, cell phone, smart phone, fax machine, photocopier, internet, e-mail, digital camera, printer, GPS units, 2-way radios, surveillance drone, network file servers or any related software or hardware used to communicate or to create, assemble, transmit, receive or in any way manipulate or store data and information used as part of the employee's assigned job responsibilities.

Access to technology resources is provided to employees for the benefit of the Town and its customers. Employees are able to connect to and utilize a variety of business information tools and resources. The following guidelines have been established for using assigned technology resources.

Acceptable Town Use of Technology Resources

Employees are responsible for ensuring that any technology resource is used in an effective, ethical, productive and lawful manner. Examples of acceptable use are:

1. Accessing Internet based resources to obtain business information from commercial/governmental websites;
2. Accessing internal network server-based databases and files for information as needed and/or required as part of their job responsibilities;
3. Using e-mail, texts, and phones for business communication;
4. Using any supplied technology resource in a manner specified by the employee's supervisor as part of the employee's execution of their normal job responsibilities.

Acceptable Personal Use of Technology Resources

The Town recognizes that the use of technology resources greatly improves an employee's efficiency both at work and outside of work. Therefore, limited personal use of the Town's technology resources is acceptable. All acceptable personal use is defined below. All personal use must comply with the provisions outlined in this policy. This use must not interfere with the employee's daily work or others' daily work. It also must not interfere with the operation or performance of the town's computer network.

1. E-Mail: Limited use of the Town's e-mail system is allowed under this policy. Reading, composing and sending of personal e-mail should take place during planned break periods or before/after work. All policy directives (described below) addressing the unacceptable use of the Town's e-mail system apply unconditionally to this use.
2. Phone/text/social media: Otherwise, all personal phone calls, texting and social media activity should take place during planned break periods or before/after work.
3. Printing and photocopying: Occasional use of printers and photocopiers is allowed under this policy. This activity should take place during planned break periods, with prior permission from the employee's Department Head, who shall first make the determination that such use shall not be excessive.
4. Internet use: Personal use of internet access is allowed under this policy but must take place during planned break periods or before/after work. All use shall comply with all standards and directives contained in this policy.

Any personal use of any of the Town's technology resources as defined in this Personnel Policy not specifically referenced in this Acceptable Use section, must be approved by the employee's Department Head who will review the request with the Town Manager.

Unacceptable Town Use and Personal Use of Technology Resources

Employees must not use the Internet for purposes that are illegal, unethical or harmful to the Town. Examples of unacceptable use are:

1. Sending or forwarding chain e-mail. Sending the same non-business-related message to more than five recipients or more than one distribution list.
2. Spam shall not be created or forwarded.
3. Conducting personal business matters during working hours using Town technology resources.
4. Transmitting any material content that is offensive, harassing, fraudulent, indecent, profane, intimidating or otherwise unlawful may not be sent by e-mail, voice mail or any other form of electronic communication, or displayed on or stored in the town computers or telecommunication resources.
5. The Town forbids using any Town electronic communications resources or technology resource for any unauthorized or illegal purpose.
6. File downloads from the Internet are permitted only for the purpose of fulfilling normal job duties and responsibilities.
7. File downloads to a computer not primarily assigned to you is prohibited. File downloads used for upgrading the operating system components, application programs, utility programs and drivers must be approved by the Town Manager in advance and must be installed by the Town Manager.

Employee Responsibilities

Employees may not use the Town's computer systems in a way that disrupts the use by others. An employee who uses the Internet, e-mail or any other technology resource shall:

1. Be responsible for the content of all text, audio, or images that (s)he places or sends or receives over the Internet or is stored on the Town's network. All communications should have the employee's name attached;
2. Not transmit copyrighted materials without permission of the copyright holder;
3. Abide by all the Town policies dealing with security and confidentiality of Town records;
4. In the event of transmittal of nonpublic information, employees must ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use and must be done with the knowledge and prior approval of the employee's supervisor;
5. Not forward any privileged e-mail from an attorney representing the Town without permission from the Town Manager.

Security

Viruses are transmitted via e-mail messages (especially through file attachments), USB memory devices, CDs, networks, DVDs, hard drives, the internet, and through music sharing or streaming use. In short, viruses can infect your computer through the same technologies that allow data to move from computer to computer. It is the employee's responsibility to:

1. Not knowingly introduce a computer virus into Town computers;
2. Not use or install any remote media storage device of unknown origin;
3. Any employee who suspects that their workstation has been infected by a virus shall contact the Town Manager and their supervisor immediately.

It is Town policy to protect computer hardware, software, data, and documentation from misuse, theft, unauthorized access, and environmental hazards.

Monitoring

The Town has the right, but not the duty, to monitor any and all aspects of the employee's use of technology resources, including but not limited to, employee e-mail, voice mail, Town provided cell phone, and web activity. This also includes websites you visit using your personal smart device while connected to the Town's Wi-Fi. Employees should not have the expectation of privacy in anything they create, access, send, receive or disseminate in any manner as a result of using the Town's technology resources that are provided to assist employees in the performance of their work duties.

Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to Maine's Freedom of Access Act and/or discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the Town.

L. Workplace Violence

The Town is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, vendors, customers, visitors or anyone else on Town premises or engaging in a Town-related activity from behaving in a violent or threatening manner. As part of this policy, the Town seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a tendency towards violence even prior to any violent behavior occurring.

The Town believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

Workplace violence includes threats of any kind such as:

1. Threatening, physically aggressive or violent behavior such as intimidation or attempts to instill fear in others;
2. Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of Town property or a demonstrated pattern of refusal to follow Town policies and procedures;

3. Defacing Town property or causing physical damage to the facilities; or bringing weapons or firearms of any kind into Town facilities with the exception of law enforcement officials.

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, citizen, consultant, visitor, or anyone else, they should call notify the Town Manager immediately. Furthermore, employees should notify the Town Manager and HR if any restraining order is in effect or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Town will inform the reporting individual of the results of the investigation. To the extent possible, the Town will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, to law enforcement officials, in order to protect individual safety. The Town will not tolerate retaliation against any employee who reports workplace violence.

If the Town determines that workplace violence has occurred, the Town will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts, but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a nonemployee, the Town will take appropriate corrective action in an attempt to ensure that such behavior is not repeated. Under certain circumstances, the Town may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the Town may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

M. Drugs, Alcohol and Tobacco

Drug free workplace statement. It is the policy of the Town to create and maintain a drug-free environment in the workplace as required by the Drug-Free Work Place Act of 1988. The use of controlled substances as identified in schedules I through V of Section 202 of the Federal Controlled Substances Act (including marijuana, cocaine, heroin, morphine, barbiturates and amphetamines) is inconsistent with the professional and responsible behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines our ability to operate effectively and efficiently. Therefore, employees of the Town are strictly prohibited from engaging in the unlawful manufacture, distribution, possession, sale or use of controlled substances at the workplace or while conducting Town business off-premises.

As a condition of employment, employees must abide by the terms of this statement and shall notify the Human Resources Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Town shall notify any federal agency with whom it has a contract or from whom it has received a grant of the conviction within ten (10) days of receiving the notification. Employees who violate this prohibition are subject to disciplinary action, up to and including termination. Convicted employees may in addition, or as an alternative, be required to participate in satisfactory manner in a drug abuse assistance or rehabilitation program.

Employees are further prohibited from being under the influence of controlled substances, or under the influence of any prescription drugs which impair the employee's ability to perform his/her job safely or properly. Any supervisors noting unusual behavior patterns which appear to be drug or narcotic related should report their observed behavior immediately to the department head, Human Resource Director or Town Manager.

Alcohol use. The Town prohibits the use of alcohol on Town premises or while conducting Town business off Town premises and further prohibits employees from being under the influence of alcohol while on the job or performing Town business.

Employees who are taking any over the counter or prescription medication that impairs their work performance in any way, or any employee who feels ill or otherwise medically unable to safely perform their duties shall promptly notify their supervisor. Under these circumstances, the Town reserves the right to temporarily re-assign duties or send an employee home for health reasons.

All employees who are required to possess a commercial driver's license shall be subject to testing for drugs and alcohol in accordance with the provisions of Parts 40 and 382 of the Code of Federal Regulations and the Town of China Alcohol and Controlled Substances Testing Policy.

Smoking. The Town of China is a tobacco-free campus. In order to provide a healthy workplace environment, smoking and chewing of tobacco is prohibited in all Town vehicles and equipment and throughout the Town's municipal properties and in areas where Town work (e.g. road work) is being conducted. For the purpose of this policy, smoking includes the use of electronic and vapor cigarettes.

Violations of this policy shall result in appropriate disciplinary action up to and including termination of employment.

N. Disciplinary Procedures

The Department Head or Town Manager may bring any violation of Town policy to the attention of an employee and impose disciplinary action as deemed appropriate in accordance with the provisions of this Policy.

Notwithstanding the Town's ability to provide verbal counseling to any employee at any time, disciplinary action may normally be dispensed in the following manner, although it need not be administered in this order:

1. Verbal Warning
2. Written Warning
3. Suspension without pay

4. Discharge

Disciplinary action shall be applied in a fair manner and shall be consistent with the infraction for which disciplinary action is being administered, taking into consideration an employee's past conduct. The sequence described above need not be followed if an infraction is sufficiently severe to merit immediate suspension or discharge, as determined by the Town Manager, subject to the employee's right of appeal in accordance with this Policy.

If the Town contemplates the suspension of an employee, he or she may be immediately placed on paid administrative leave and notified in writing of the alleged offense and be given an opportunity to explain his or her circumstances (and have legal representation) at the convenience of the Town official(s) involved, upon reasonable notice. If an employee is subsequently suspended, he/she shall be notified in writing of the effective date(s), reason and duration. Said notice shall be presented upon his/her return to work, or within seventy- two (72) hours of the suspension taking place, whichever comes first. Said notice shall also contain a statement informing the employee of his/her rights of appeal as set forth herein. A suspension shall be unpaid (suspended employees shall not be eligible for leave pay). During the period of suspension, employees shall remain obligated to pay the employee's share of insurance premiums as set forth herein.

If the Town contemplates the discharge of an employee, he or she may be immediately placed on paid administrative leave and notified in writing of the alleged offense and be given an opportunity to explain his/her circumstances (and have legal representation) at the convenience of the Town official(s) involved, upon reasonable notice. If the employee is subsequently discharged, he/she shall be informed of the reason(s) for discharge and of the effective date within seventy-two (72) hours of the discharge taking place. Said notice shall also contain a statement informing the employee of his/her rights of appeal as set forth herein. All actions of a disciplinary nature shall become a part of that person's permanent personnel file, unless otherwise set forth in the disciplinary notice.

Employees shall be required to acknowledge all records of disciplinary action inserted into their personnel file with a signature affixed to the document and returned to the Town Manager, whether or not they agree with the action. Employees shall be entitled to submit a written rebuttal of a disciplinary action for insertion in their personnel file, provided such correspondence is received by the Town Manager within seven (7) working days of the notice being acknowledged by the employee. Every disciplinary notice shall include a statement advising employees of their right to appeal or refute the disciplinary action as set forth in this Policy.

O. Dispute Resolution

In consideration that a dispute, complaint or problem may arise periodically concerning working conditions policies and practices or decisions made by Town representatives that effect an employee's job, the Town has established the following dispute resolution procedure. It is the intent of this policy and procedure to afford employees a voice in those matters that have a potential adverse, unjust, or inequitable effect on their employment conditions. The Town desires to solve problems as promptly, justly, objectively and confidentially as possible.

Dispute Resolution Procedures

The steps involved in the dispute resolution procedure are:

1. Discuss the dispute with the immediate supervisor including the nature of the concern and possible appropriate remedies. If a satisfactory solution cannot be reached within five (5) working days or if the nature of the problem is not within the supervisor's authority, the employee should proceed to step 2.
2. Present the issue in writing to the Human Resources Director, who will investigate, examine and evaluate the factual basis of the situation in an attempt to reach a satisfactory solution. Every effort will be made to provide the employee with a written decision and the reasons thereof within five (5) working days. If the Human Resources Director's decision is not satisfactory to the employee, proceed to step 3.
3. Within five (5) working days following the receipt of the Human Resources Director's decision, the employee should arrange an appointment to present and discuss the issue with the Town Manager. On the basis of information provided in this meeting, or related written documents, the Town Manager may conduct further inquiries to fully consider all relevant facts and circumstances, followed by a final decision to the employee and others concerned generally within ten (10) working days. If the Town Manager is a party to the grievance, the Human Resources Director shall refer the matter to the Select Board. The Town Manager or Select Board shall render a written decision to the party or parties involved within ten (1) working days of receiving the grievance.
4. Should the aggrieved party be dissatisfied with the decision, he/she may appeal to the Select Board for a fair hearing. The request for such hearing shall be made within five (5) working days of the decision. The Board of Selectmen shall conduct a hearing into the matter within ten (10) working days of receipt of the request and shall render a decision within five (5) working days from the date of the hearing.

SECTION 5 - WORK RULES

A. Work Week and Work Hours

The actual workday starting and finishing times may vary from department to department and are to be established by the Town Manager and shall be designated as the standard work week for the department. The Town Manager may change these hours at any time. The sole consideration for determining the hours shall be the needs of the public and the ability of the Town to pay for staff to meet them. The official work week shall begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m. Some job descriptions/duties require an employee to work more than an 8-hour workday.

B. Rest and Meal Breaks

Daily work breaks for hourly paid employees shall be administered in accordance with the following guidelines:

1. At a minimum, employees who work six (6) hours or more per day shall be eligible for a thirty (30) minute unpaid meal break if three or more people are on duty. NOTE: Essential staff members who are required to be on duty during meals shall be paid for meal breaks.
2. Employees who work less than six (6) hours per day shall not be eligible for any paid meal break times.
3. Actual break times shall be subject to approval by the Department Head, giving due consideration to the needs of the Town, its customers, and other employees. Break times shall be taken so as to absolutely minimize any inconvenience to the public and other employees who may require assistance. As such, they are not automatic events to be taken at an employee's discretion, but rather the use of breaks shall require professional judgment as to timing, length and frequency.
4. Meal breaks that are not paid may be taken away from the workplace if time allows, but all other breaks shall be subject to the discretion of the Department Head.
5. An employee may choose to waive rest/meal break. Forms are available.

C. Time Clock Use Policy

All full and part time employees are required to submit their time weekly through the electronic time keeping system which will be reviewed and approved by the Department Head or other supervisory personnel. Employees going on vacation or extended leave should submit their time requests in advance.

All other employees are required to complete their time sheet manually on the appropriate form.

Purpose - To streamline the timekeeping and payroll process within the Town and to ensure consistency of treatment of all employees. This policy covers all non-exempt employees that are required to clock in and out.

Definition - The terms "clock in," "punch in" and "swipe in or out" all mean the same. They all refer to the action whereby an employee slides his or her card and/or hand scan, and/or manually enters and transmits the information to the time keeping database.

The term "exact time" means the exact time an employee punches in or punches out of the clock system, which will be recorded as the official time.

Employee Clocking Responsibilities - It is a job requirement that all non-exempt employees must "clock in" at the beginning of their shift and "clock out" at the end of work each day. Additionally, employees are required to clock out when leaving the workplace for any reason. An employee shall clock in as close as possible to their assigned starting time. Employees should not arrive early and punch in

unless authorized by a supervisor. Repeated early clock ins without authorization will result in extra paid time and could negatively affect the budgeted expenditure for the employee. Repeated violations will require verbal and written warnings and may be grounds for discipline or termination. "Clock in" and "clock out" punches will be recorded utilizing "exact time".

Missed Time Clock Punches - If an employee forgets to "clock in" or "out" for their shift, they are to contact their supervisor immediately when it is realized, to explain the circumstances and to provide actual clock in or out information.

Authorized employees who have direct access to the system can alter and enter their exact time for the missed punch but will be required to log the reason for the clock exemption.

Employees will be subject to disciplinary action for excessive failure to clock in or out without reasonable justification.

Falsification or Tampering - Any attempt to tamper with the timekeeping hardware or software will be considered a serious offense, subject to disciplinary action. Any employee interfering with another's use of time clocks or time reporting software will be subject to disciplinary action.

Clock Problems – If any employee is unable to "punch in" or "out" because of a time clock malfunction, it is the employee's responsibility to immediately inform his/her supervisor or HR. In the event of time clock malfunction, supervisory personnel will clock employees in and out and will notify Department management of the problem.

Overtime - Overtime must always be authorized by a supervisor and documented in the system. Overtime will be calculated based on the actual hours recorded and credited to the employee and approved by management.

Supervisor's Responsibilities - All absences (scheduled and unscheduled) shall be documented on the time detail record by the employee's supervisor.

Disagreements on work hours contained in the detail record shall be reviewed with the employee's supervisor who will resolve the issue and authorize any changes to the timekeeping data.

D. Travel

In cases where the use of a personal vehicle is required, the Town shall reimburse the employee for mileage using the standard mileage rate set by the Internal Revenue Service. Payment for mileage shall not include travel to and from the principal workplace. All other reimbursements for travel related expenses shall be pre-approved by the Department Head and subject to verification with receipts.

Any use of a Town owned vehicle must be for Town business only. Family members or members of the public are not permitted to ride in a Town vehicle.

E. Inclement Weather

During inclement weather, all Town facilities are expected to remain open during their respective hours and days of operation. In the event of extremely adverse weather conditions, the Town Manager shall determine if employees may be relieved of duty and when Town facilities are to be closed. The following guidelines apply to inclement weather operations, (except for public safety employees):

1. All employees will attempt to report to work at normal hours.
2. If an employee anticipates an unavoidable delay in reporting to work, he/she shall call his/her supervisor and state the time delay that is anticipated. (NOTE: shoveling snow or clearing-off a vehicle for minor storm events shall not constitute an unavoidable delay).
3. Hourly employees arriving late will be paid only for the actual number of hours worked and shall forfeit all paid break times.
4. Hourly employees who decide not to report for work at all will not be paid or they may elect to be paid utilizing available leave time.
5. Employees dismissed from work due to closure of facilities shall be paid for the remainder of their regular work shift at their regular pay, but this shall not be considered actual hours worked for the sake of overtime eligibility. Employees who have taken a leave day when facilities are closed early shall not be entitled to leave reimbursement or any other benefits.

In order to maintain essential services and keep the Town Facilities open during inclement weather emergencies when other employees are dismissed, the Town Manager may ask employees to voluntarily remain at work, provided this is done on a rotating basis to the greatest extent possible.

F. Personal Appearance

Employees are expected to present a professional, businesslike image to residents, taxpayers, visitors and the public. Acceptable personal appearance, like proper maintenance of works areas, is an ongoing requirement of employment with the Town. Department Heads shall have the authority to require any employee that is inappropriately attired to change the offensive clothing. Employees sent home to change shall not be paid for time spent away from work.

Employees shall dress professionally at all times while representing the Town in any capacity. Accordingly, all gear and clothing, whether Town owned or personal, shall conform to the highest possible standards as may be determined by the Department Head.

G. Attendance

Employees shall be at their respective places of work according to their scheduled hours. Supervisors are responsible to resolve problems with employee attendance immediately so as to minimize disruption to workplace efficiency. Chronic problems with employee attendance will not be tolerated and are grounds for dismissal.

H. Compensation

All employees shall be paid either an hourly wage or weekly salary. The Town Manager recommends salary/pay adjustments based on performance, training, licenses, job responsibilities and other factors.

I. Overtime

Employees who work hours in addition to their designated standard work week will be compensated at their normal hourly rate for each hour worked up to forty (40) hours per week. For the purposes of this section, "hours worked" shall include hours actually worked, holidays and no more than one sick day or vacation day (scheduled at least two weeks in advance of the vacation day and submitted via the TimeClock Plus App or by email to the supervisor) per week.

Overtime pay shall be paid at the rate of one and one-half times the employee's regular rate of pay. Overtime pay is not available to exempt employees.

During winter maintenance and elections, employees required to work more than 8 hours in a single day, in support of a winter storm event lasting greater than 8 hours as deemed by the town manager, other winter storm operations, and in support of elections will be paid overtime for those hours worked beyond 8 hours. Time worked greater than 8 hours for snow clean up after a storm does not qualify for overtime unless the hours worked are beyond 40 hours in the work week. Final decision on overtime payment to be made by the town manager."

J. Compensatory Time

In lieu of overtime, Public Works employees may enter into an annual agreement to be compensated with compensatory time for hours worked beyond forty hours in a work week. Such compensatory time shall be limited to no more than 80 hours. Such accumulated time may be used by the employee with prior approval of the employee's supervisor or department head. Compensatory time must be used within the 12-month period following when it is earned and may not accumulate year to year. The unused balance will be paid at the conclusion of the last pay period of the 12-month period from when it was earned. A "Compensatory Time Off Agreement" must be signed by the employee and the Town Manager in July of each year for the agreement to become effective. Failure to execute an agreement renders the employee ineligible for compensatory time for the next 12 months. Compensatory time is not available to exempt employees.

1. Comp time shall be earned at a rate of 1.5 to 1 for every hour actually worked in excess of forty (40) hours per week;
2. The maximum amount of comp time to be accrued shall not exceed eighty (80) hours;
3. Comp time shall not be used prior to being earned.
4. No employee shall work overtime unless specifically authorized by the Department Head or Town Manager.

SECTION 6 - EMPLOYEE BENEFITS

A. Education & Licenses

The Town may require certain employees to maintain certifications or licensing as set forth in a job description. The Town may assist with costs associated with certifications and renewals, except in the case of revocations. Employees who fail to maintain required certification requirements may be disciplined, up to and including discharge.

The Town shall pay all costs associated with training, education and licensing that are mandated by the State of Maine or by the Department Head, plus wages applicable for time spent on such endeavors. Scheduling for such events shall be at the convenience of the Town, considering the employee's availability as may be reasonable. Employees who fail to comply with such training requirements may be disciplined, up to and including discharge.

Employees who voluntarily request training or education that is not mandated by the State or Department Head may be eligible to do so at Town expense upon prior authorization of the Town Manager when determined to be advantageous to the Town subject to the following limitations: (a) availability of budgeted funds; (b) money may be in the form of a reimbursement upon attainment of a satisfactory grade; (d) time spent engaged in these endeavors shall not be compensable or creditable; (e) completion of coursework does not entitle an employee to a pay increase, job reclassification or promotion.

B. Medical Insurance

The Town provides 100% cost of the medical insurance plan PPO 500, PPO 1500 and PPO 2500 through Maine Municipal Employees Health Trust (MMEHT) for regular full-time employees and part-time employees. Regular full-time employees may add a two-person plan, family plan, or make plan changes as necessary depending upon eligibility and in accordance with the provider's rules. The employee will be responsible to contribute fifteen (15%) percent of the total cost of the family participation. Part-time employees may purchase a two-person or family plan at their own expense.

Employee contributions shall be made through payroll deductions. For new hires, coverage shall begin as determined by HR but within 60 days of hire, to the extent practical.

Additionally, the Town provides a Health Reimbursement Account (HRA) for those participating in the PPO 500, PPO 1500 and PPO 2500 Plans. The Health Reimbursement Account (HRA) will be funded solely by the employer.

Cash-in-Lieu of Health Insurance – For eligible employees who decline to participate in the health insurance plan, the Town will offer a \$300.00 per month stipend. The eligible employee must show proof of coverage yearly to receive this benefit. The amount of the stipend will be reduced by a Town-paid dental premium if employee choose to enroll in dental only.

For all new hires after 1/1/2021, the Town will pay 100% of the employee portion and 50% of the

family portion for medical insurance.

C. Dental Insurance

The Town provides 100% cost of the dental insurance plan through Maine Municipal Employee Health Trust (MMEHT) for regular full-time and part-time employees. Employees may add a two-person plan, family plan, or make plan changes as necessary depending upon eligibility and in accordance with the provider's rules. The employee will be responsible to contribute fifteen (15%) percent of the total cost of the family participation. Employee contributions shall be made through weekly payroll deductions calculated monthly and deducted twice a month.

For new hires, coverage shall begin as determined by HR but within 60 days of hire, to the extent practical.

For all new hires after 1/1/2021, the town will pay 100% of the employee portion and 50% of the family portion for dental insurance.

D. Vision Insurance

The Town shall provide employees with vision insurance at the employee's expense.

E. Life Insurance

MMEHT provides coverage for employees enrolled in health insurance through MMEHT. This insurance is subject to the provisions set forth by MMEHT. Employees may purchase additional life insurance coverage at their own expense.

F. Short-term Disability Insurance

The Town shall provide employees with a short-term disability insurance policy (income protection plan), at the employee's expense, in accordance with the provider's rules.

Employees receiving disability payments may, at their discretion, also receive accumulated leave benefits to make them whole. For new hires, coverage shall begin as determined by HR but within 60 days of hire, to the extent practical.

In the event an employee's weekly paycheck is not sufficient to make that employee's insurance contribution for any reason, the employee shall make arrangements to pay the balance within seven (7) days of the payment shortfall. Otherwise, the Town shall automatically deduct the amount due from the next paycheck, or if that amount is not sufficient, the employee shall be removed from the Town's coverage unless other arrangements are made.

G. Retirement

The Town of China believes that proper preparation for retirement is important to all employees. To

this end, the Town currently contributes to Social Security for all employees. In addition, the Town of China also offers participation in MainePERS Defined Contribution Plan. **(NOTE: This benefit requires a one-time decision within 30 days of hire. Once a decision is made, employees cannot opt in or opt out.)** Participation in the plan, including start date for eligibility, shall be in accordance with applicable IRS rules and regulations and the specific requirements set forth in the MainePERS rules.

A MainePERS 457 Plan is available for all regular full and part-time employees. For Employees not eligible to participate in MainePers DC, the Employer will match up to 7%.

SECTION 7 – EMPLOYEE LEAVE

A. Vacation

Vacation time is intended to benefit the employee; therefore, employees are encouraged to take their vacation leave in the year in which it is earned. Vacation time will be scheduled through the employee's immediate supervisor and will be approved according to the operational requirements of the Town. Vacation leave shall accrue from the date of initial employment with the Town; however, probationary employees are not entitled to use vacation time until the probationary period is completed. (The Town Manager may approve variances to this limitation.) An employee may receive vacation pay prior to the start of his/her vacation but must request the payment in advance. Regular full-time employees shall earn prorated vacation time based on the 40-hour week rate below. Vacation time is prorated for part-time employees according to the hours worked. The Human Resources Director may recommend to the Town Manager that a new employee receive longevity credit for prior experience or municipal employment.

<u>Years of Service</u>	<u>Earned Time per month</u>	<u>Per Year</u>
0-5	6.67 hours	10 days
over 5 - 10	12 hours	18 days
over 10 - 20	14 hours	21 days
over 20 - 25	16 hours	24 days
over 25	18 hours	27 days

(Proration Example: Employee Smith's permanent schedule is for 35 hours a week and is in his first year with the town. Employee Smith would earn 5.87 vacation hours each month for years 0-5. [35/40*6.67])

Employees who are eligible prior to July 1, 2018 may accumulate a maximum of fifty-five (55) days of vacation credited to their final compensation upon separation. Employees who are eligible July 1, 2018 and following may accumulate a maximum of thirty (30) days of vacation credited to their final compensation upon separation.

Employees with more than 100 hours accrued vacation may twice per calendar year request a buyout of up to 50 hours of vacation time.

B. Earned Paid Leave Policy (EPL)

In recognition of the Maine Earned Paid Leave law effective 1-1-2021, the Town has created the following policy which will allow 40 hours of EPL time to be used for any reason. EPL is for all employees: full-time, part-time, temporary, per diem, etc. Earned Paid Leave will be based upon the criteria below.

Accrual of Earned Paid Leave: Employees are entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins on start of employment. Earned Paid Leave will be paid at the employee's regular rate of pay as established in the week immediately prior to taking Earned Paid Leave.

Once you accrue 40 hours of EPL, you cannot accrue additional EPL until you use EPL **and** a new qualifying leave year has occurred.

Use of Earned Paid Leave: Once employees have been employed for 120 calendar days; they may use earned paid leave for any reason. EPL time must be used in 1-hour increments.

Notice Requirements: Employees must provide at least 2 weeks' prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

Leave Accrual upon Separation: Balance of unused accrued leave will NOT be paid to the employee at time of separation.

C. Sick Leave

Any regular full-time or part-time employee who incurs a sickness or disability that renders that employee unable to perform his/her duties shall be entitled to paid sick leave. Sick days are earned at the rate of 6.67 hours per month for 40 hour a week employee. Sick days will be prorated for all full and part-time employees according to their regularly scheduled hours. Employees accrue sick leave from initial date of employment and are eligible for sick leave after the successful completion of the probationary period. Sick days may be used only for illness of the employee, immediate family members or members of the employee's household, up to a limit of 40 paid hours. Variances to this policy may be granted by the Town Manager upon significant evidence provided by the employee. Sick days may not be used for personal days. Whenever possible, doctor's appointments should be made outside of work hours. When this is not possible, sick time may be applied provided that arrangements to be absent are made in advance.

Sick leave is not a privilege to be abused by the employee but is designed to sustain an employee during actual sickness or disability. Abuse of sick leave may be cause for dismissal.

Sick days are cumulative to a maximum of 120 days. Sick leave will not have cash value at separation other than those prior to 2018 who have entered into a sick leave redemption agreement.

D. Bereavement

In the event of a death in the immediately family of an employee, the employee shall be granted up to three (3) days leave of absence with full pay. Employees may be permitted to use sick leave to extend this leave to five (5) days. Immediate family, for the purposes of this section, is considered to mean spouse, domestic partner, children, stepchildren, parents, siblings, step-siblings, grandparents, mother or father-in-law, brother and sister-in-law and step-parents. The Town Manager may grant variances to this policy.

E. Holidays

The holidays listed below shall be recognized and observed as paid time off on the day indicated below unless otherwise observed differently by the State of Maine, in which case the State holiday date shall be observed.

New Year's Day (January 1)
Martin Luther King Jr. Day (3rd Monday in January)
President's Day (3rd Monday in February)
Patriot's Day (3rd Monday in April)
Memorial Day (last Monday in May)
Juneteenth (June 19th)
Independence Day (July 4)
Labor Day (1st Monday in September)
Indigenous People's (2nd Monday in October)
Veterans Day (November 11)
Thanksgiving Day (last Thursday in November)
Friday after Thanksgiving Day
Christmas Day (December 25)

For all employees other than Transfer Station employees, if a holiday falls on a Saturday, the preceding Friday shall be deemed a holiday, and if a holiday falls on a Sunday, the following Monday shall be deemed a holiday. For Transfer Station employees, if the State-observed holiday is on a Friday but the legal holiday is on a Saturday, they shall work Friday, notwithstanding the State-observed holiday.

Hourly employees who are required to work on the above-noted holidays shall be entitled to compensation at a rate of time and one-half of their base hourly wage rate for all hours worked on the holiday in addition to the straight time holiday pay.

Supervisors and department heads will adjust individual schedules to ensure time off for holidays is afforded to all eligible employees, recognizing that department operating schedules may not afford all employees to take the actual or observed holiday off at the same time.

F. Worker's Compensation

The Town provides workers' compensation coverage to its employees in accordance with the State of Maine laws. In the case of a workplace injury, regardless of how insignificant it appears, you must notify your supervisor immediately.

The Town will typically (assuming adequacy of accrued sick time) compensate the employee for the first week of absence (waiting period) due to an injury/accident.

Family Medical Leave (FML) -- If eligible, Workers' Compensation absences will run concurrently with FML.

Benefit Premiums - While on unpaid medical leave, the employee is responsible for the payment of their share of any benefit premiums that they normally pay. An employee on an additional leave of absence under FML will be responsible for paying the full cost of group health insurance.

Supplemental Pay - Employees may supplement their workers' compensation payment with comp time, sick leave and/or vacation leave, if available, to bring their pay up to their regular base weekly amount and to pay the employee's portion of benefits.

Participation in the Maine Public Employees Retirement System (MainePERS) - While receiving Workers Compensation benefits, those employees who participate in the MainePERS are required to pay their MainePERS contributions based on the wages portion of the benefits received. If an employee does not pay the applicable contributions within thirty (30) days of receiving Workers' Compensation benefits, the employee will be responsible for accrued interest until contributions are paid.

Until such time as the employee is medically determined to be capable of returning to his/her position, we may assign the employee to other duties or to another position within the Town on a temporary basis consistent with the abilities of the employee.

G. Family Medical Leave

Reason for Leave

In compliance with Maine law, it is the policy of the Town of China to grant an unpaid leave of absence under the Maine Family and Medical Leave Act for up to 10 weeks in a 24-month period for any employee who has been employed by the Town for at least 12 consecutive months. This leave may be requested for any one of the following reasons:

1. serious health condition of the employee;
2. birth of the employee's child or the employee's domestic partner's child;
3. placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. a child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;

5. donation of an organ by the employee for a human organ transplant; or
6. as otherwise required by law.

A “serious health condition” is defined as a condition that requires in-patient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.

A “domestic partner” is defined by current Maine law, and means, the partner of an employee who

1. is a mentally competent adult as is the employee;
2. has been legally domiciled with the employee for at least 12 months;
3. is not legally married to or legally separated from another individual;
4. is the sole partner of the employee and expects to remain so;
5. is not a sibling of the employee;
6. is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements, joint financial arrangements, or joint ownership of real or personal property.

A “sibling” is defined by current Maine law and means a sibling of an employee who is jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements and joint financial arrangements.

The twenty-four (24) month period in which the (10) week entitlement occurs is a “rolling” twenty-four (24) month period measured backward from the date the employee uses any FMLA leave.

Requesting a Family and Medical Leave (FML)

The employee requesting a family medical leave must complete a form provided by the Town at least thirty (30) days in advance of the requested leave, unless prevented by a medical emergency from giving such notice. This notice should include the intended date upon which the leave would commence and the intended date of return.

If the leave is based on planned medical treatment, the employee, in addition to providing at least thirty (30) days’ notice, must make a reasonable effort to schedule the treatments, subject to the approval of the healthcare provider, so as not to unduly disrupt Town operations. Leave shall begin on the first day of absence (or partial attendance).

The Town will designate any qualified leave time as FML even if the employee has not requested it.

Certification of a Serious Health Condition

When the reason for absence involves a serious health condition of the employee, or the employee’s child, spouse, or parent, the employee must provide certification from a physician that includes: the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment.

If the requested leave is based on a serious health condition of a family member, the certification must include a statement that the patient requires assistance and that the employee’s presence would

be beneficial or required.

When a Family and Medical Leave involves the disability or illness of an employee, a physician's certificate is required before the employee returns to work or resumes a full work schedule, stating the employee is able to resume normal job responsibilities or detailing any work limitations which the employee's condition may require.

Intermittent Leave

A Family and Medical Leave need not be taken all at once, but rather it may be used in small increments provided that the total usage does not exceed ten (10) weeks in twenty-four (24) months.

Return to Work

Failure to return to work upon expiration of leave may result in termination.

Benefits While on Leave

While an employee is on Family and Medical Leave, the Town will continue the employee's group health insurance at the same level and under the same conditions as if the employee had continued to work. Therefore, the employee must make arrangements with the Town to pay his or her share of health insurance premiums while out on leave.

If the employee chooses not to return to work for reasons other than a serious health condition, the employee is required to reimburse the Town the amount that the Town paid for the employee's health insurance premium during the leave.

FML may run concurrently with another paid form of leave including but not limited to Workers' Compensation and sick leave. Sick time will not count as FML unless it is for more than five (5) consecutive workdays.

H. Jury Duty

An employee shall be granted a leave of absence any time he/she is required to report for jury duty. Employees shall be paid the difference between jury duty compensation and regular wages for each day of service. Employees must provide verification of their pay for jury duty. Employees are expected to report immediately for work when excused from jury duty.

I. Military Leave

The Town shall provide for military leave in accordance with the provisions of the Uniformed Services Employment and Reemployment Act (USERA).

All eligible employees will be granted time off from work for annual training obligations or active service in the United States uniformed services. Employees engaged in active military service will be placed on military leave of absence status. Full-time regular employees may be

granted leave to attend his/her regular annual military training encampment provided he/she is a recognized member of an organized unit of the United States Ready Reserve or a state National Guard. The Town will pay the difference between the employee's military training pay and regular wages for up to ten (10) working days. The employee must provide verification of his/her pay. Extended leave (greater than ten working days) shall be treated as a leave of absence without pay.

J. Unpaid Leave of Absence

Under certain circumstances an employee may be granted a leave of absence for a period of up to three (3) months. Such leave must be requested in writing to the employee's supervisor and specify the unusual circumstances requiring the action. The Human Resources Director will review the request and recommend to the Town Manager appropriate action. The Select Board may require its review and approval of requests. Time spent on a leave of absence will not be computed in length of service. Any benefits provided by the Town shall be suspended during the leave of absence, but the employee shall be allowed to retain benefits at their expense.

K. Domestic Violence Leave

In accordance with Maine law, the Town will grant employees a reasonable and necessary amount of time off from work without pay if an employee is a victim of domestic violence, domestic assault, sexual assault or stalking and needs time to:

1. Prepare for or attend court proceedings,
2. Receive medical treatment, or
3. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

L. Clothing, Equipment & Tools

In the event the Town decides to issue uniforms to an employee, such clothing is only to be worn while working. Employees shall be responsible for keeping uniforms clean and neat.

The Town shall provide all employees with the necessary tools of the trade and safety gear, as required by law or otherwise required by the Town to perform the essential duties of the position. Employees may not substitute their own property for Town property without permission from the Department Head.

All clothing, personal equipment, protective gear, (excluding footwear), tools, communication devices, etc., purchased for an employee shall remain the property of the Town. As such, it is incumbent upon each employee to properly maintain and care for these items at all times. All such items provided to employees by the Town shall be returned to the Town when directed by the Department Head or upon employment separation. Employees shall be responsible for providing replacements of such items, except for losses attributable to normal wear and tear or incidents beyond the control of the employee, in which case the Department Head may authorize

replacements on an as-needed basis at Town expense.

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Employee Acknowledgment

By signing this form, I acknowledge that I received a copy of the Town's Personnel Policy and understand the contents.

Signature: _____

Printed Name: _____

Date: _____

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